

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

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**SIERRA BOUCHER, LILY ENGBRECHT,
NATASSIA TUHOVAK, HANNAH WHELAN,
and, CASSIDY WOOD,**

PLAINTIFFS,

CASE NO. 1:22-CV-00381-CCR

-against-

TRUSTEES OF CANISIUS COLLEGE,

DEFENDANTS.

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**AFFIRMATION OF DANIELA NANAU, ESQ. SUBMITTED IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY
JUDGEMENT PURSUANT TO 28 U.S.C. § 1746 UNDER PENALTY OF PERJURY**

1. I am a member of the Bar of this Court and the principal attorney at Law Office of Daniela Nanau, P.C., attorneys for the Plaintiffs.

2. As such, I am familiar with all of the facts and proceedings relating to this action.

3. I submit this Declaration in support of Plaintiffs' Opposition to Defendant's Motion for Summary Judgment.

4. A true and correct copy of cited to portions of the Deposition of Dr. Elizabeth Hogan are attached as Ex. A.

5. A true and correct copy of cited to portions of the Deposition of Dr. Tanya Loughhead are attached as Ex. B.

6. A true and correct copy of cited to portions of the Deposition of Plaintiff Sierra Boucher are attached as Ex. C.

7. A true and correct copy of cited to portions of the Deposition of Plaintiff Lily Engbrecht are attached as Ex. D.

8. A true and correct copy of cited to portions of the Deposition of Plaintiff Natassia Tuhovak are attached as Ex. E.

9. A true and correct copy of cited to portions of the Deposition of Plaintiff Cassidy Wood are attached as Ex. F.

10. A true and correct copy of cited to portions of the Deposition of Linda Walleshauser are attached as Ex. G.

11. A true and correct copy of Dr. Hogan's notes, with the Bates stamp range Canisius 569-598, is attached as Ex. H.

12. A true and correct copy of e-mails between Walleshauser and Tuhovak on February 7, 2019, with the Bates stamp Canisius 1566, is attached as Ex. I.

13. A true and correct copy of cited to portions of the Deposition of Plaintiff Hannah Whelan are attached as Ex. J.

14. A true and correct copy of Whelan's written complaint, with the Bates stamp range Canisius 1593-96 are attached as Ex. K.

15. A true and correct copy of an anonymous student complaint with the Bates stamp range Canisius 1749-50 is attached as Ex. L.

16. A true and correct copy of student complaints and comments from Sex Evolution class in Fall of 2018 with the Bates stamp range Canisius 6933-40 is attached as Ex. M.

17. A true and correct copy of an e-mail string from President Hurley and Dr. McCarthy, dated February 12, 2019 with the Bates stamp Canisius 1611, is attached as Ex. N.

18. A true and correct copy of an e-mail string dated February 19-20, 2019 with the Bates stamp Canisius 1758-61, is attached as Ex. O.

19. A true and correct copy of an e-mail string involving Walleshauser and Whelan, dated February 15, 2019 with the Bates stamp Canisius 353-55, is attached as Ex. P.

20. A true and correct copy of Walleshauser's notes from January 28, 2019 meeting with Dr. Margulis and Dr. Hogan is attached as Ex. Q.

21. A true and correct copy of an e-mail string dated February 12-13, 2019 with the Bates stamp Canisius 1643-66, is attached as Ex. R.

22. A true and correct copy of an e-mail from Dr. Margulis, dated March 15, 2019, with the Bates stamp Canisius 2146, is attached as Ex. S.

23. A true and correct copy of an e-mail string between Dr. McCarthy and Dr. Margulis, dated March 4, 2019, with the Bates stamp Canisius 1992-93, is attached as Ex. T.

24. A true and correct copy of cited to portions of the Deposition of Dr. Joshua Russell are attached as Ex. U.

25. A true and correct copy of Walleshauser's notes from her meeting with Dr. Russell, dated February 28, 2019, with the Bates stamp Canisius 2026, are attached as Ex. V.

26. A true and correct copy of cited to portions of the Deposition of Dr. Malini Suchak are attached as Ex. W.

27. A true and correct copy of e-mails between Walleshauser and Plaintiffs, dated April 15 and 25, 2019, with the Bates stamp Canisius 514-15, is attached as Ex. X.

28. A true and correct copy of cited to portions of the Deposition of Dr. Margaret McCarthy are attached as Ex. Y.

29. A true and correct copy of Dr. Noonan's separation agreement, dated May 31, 2019, with the Bates stamp range Canisius 4956-66, attached as Ex. Z.

30. A true and correct copy of e-mails between Walleshauser and Dr. Margulis, dated July 12019, with the Bates stamp Canisius 547-49, is attached as Ex. AA.

31. A true and correct copy of the Declaration of Dr. Christy Hoffman, with the Bates stamp range P 1163-71, is attached as Ex. BB.

32. A true and correct copy of Dr. Suchak's notes form 2017-18, with the Bates stamp range Canisius 3063-66, is attached as Ex. CC.

33. A true and correct copy of Dr. Margulis calendar showing meeting with Tuhovak March 12, 2018, with Bates stamp Canisius 1106, is attached as Ex. DD.

34. A true and correct copy of Dr. Margulis' January 27, 2019 summary of student complaints regarding Dr. Noonan's sexual harassment, with Bates stamp Canisius 1732, is attached as Ex. EE.

35. A true and correct copy of the Declaration of Student D, with the Bates stamp range P 890-93, is attached as Ex. FF.

36. A true and correct copy of cited to portions of the Deposition of Dr. Susan Margulis are attached as Ex. GG.

37. A true and correct copy of Defendant's Rule 21 Disclosures is attached as Ex. HH.

38. A true and correct copy of an e-mail exchange chain, dated February 21, 2019, is attached as Ex. II.

39. A true and correct copy of cited to portions of the Deposition of Student A are attached as Ex. JJ.

40. A true and correct copy of an e-mail exchange chain, dated February 12, 2019, is attached as Ex. KK.

41. A true and correct copy of the Declaration of Colleen O'Hara, with the Bates stamp range P 1998-2002, is attached as Ex. LL.

42. A true and correct copy of the Declaration of Dr. Matthew Mitchell, with the Bates stamp range P 1980-1985, is attached as Ex. MM.

43. A true and correct copy of the Declaration of Dr. Paul Waldau, with the Bates stamp range P 881-889, is attached as Ex. NN.

44. A true and correct copy of Walleshauser's notes from a meeting with Dr. Suchak on February 12, 2019, with the Bates stamp Canisius 342, is attached as Ex. OO.

45. A true and correct copy of the Declaration of Student C, with the Bates stamp range P 1986-1992, is attached as Ex. PP.

46. A true and correct copy of Canisius' Sexual Misconduct Policy, with the Bates stamp range Canisius 1-18, is attached as Ex. QQ.

47. A true and correct copy of Walleshauser notes from a meeting with Dr. Margulis, dated February 12, 2019, with the Bates stamp Canisius 341, is attached as Ex. RR.

48. A true and correct copy of cited to portions of the Deposition of Debbie Owens are attached as Ex. SS.

49. A true and correct copy of Plaintiff Wood's written complaint, with the Bates stamp range Canisius 1586-87, is attached as Ex. TT.

50. A true and correct copy of Plaintiff Engebrecht's written complaint, with the Bates stamp range Canisius 1631-1634, is attached as Ex. UU.

51. A true and correct copy of Plaintiff Boucher's written complaint, with the Bates stamp range Canisius 325-326, is attached as Ex. VV.

52. A true and correct copy of additional allegations from Plaintiff Boucher, with the Bates stamp range Canisius 395-96, is attached as Ex. WW.

Dated: February 6, 2025

Respectfully submitted,

LAW OFFICE OF DANIELA NANAU, P.C.



DANIELA NANAU